

United States Bankruptcy Court  
Eastern District of Virginia  
Richmond Division

In RE:  
Charles Anthony Barbettini, Jr, a/k/a  
CHARLES BARBETTINI JR a/k/a Charles  
Barbettini and Tonia Danita Barbettini

BCN#: 22-30131-KRH  
Chapter: 13

Debtors

U.S. Bank National Association, as trustee,  
on behalf of the holders of the Credit Suisse  
First Boston Mortgage Securities Corp.  
CSMC Trust 2006-CF3, CS Mortgage Pass-  
Through Certificates, Series 2006-CF3  
or present noteholder,

Secured Creditor,

v.

Charles Anthony Barbettini, Jr, a/k/a  
CHARLES BARBETTINI JR a/k/a Charles  
Barbettini and Tonia Danita Barbettini

Debtors

NOTICE OF OBJECTION AND HEARING

U.S. Bank National Association, as trustee, on behalf of the holders of the Credit Suisse First Boston Mortgage Securities Corp. CSMC Trust 2006-CF3, CS Mortgage Pass-Through Certificates, Series 2006-CF3 has filed papers with the court objecting to the confirmation of the proposed Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

In order to oppose this motion, you must also attend the preliminary hearing scheduled to be held on: 03/09/2022, 11:10 AM, Judge Huennekens' Courtroom, 701 E. Broad St., Rm. 5000, Richmond, Virginia; however, the hearing shall be conducted pursuant to Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information which is available on the court's website.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

**REMOTE HEARING INFORMATION:**

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at [www.vaeb.courts.gov](http://www.vaeb.courts.gov), on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

\*\*\*The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.\*\*\*

**PLEASE NOTE:** You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

Dated: 2/24/2022

LOGS LEGAL GROUP LLP

Attorneys for U.S. Bank National Association, as trustee,  
on behalf of the holders of the Credit Suisse First Boston  
Mortgage Securities Corp. CSMC Trust 2006-CF3, CS  
Mortgage Pass-Through Certificates, Series 2006-CF3

/s/ Mary F. Balthasar Lake

By: \_\_\_\_\_

Malcolm B. Savage, III, Esquire

VS# 91050

William M. Savage, Esquire

VS# 26155

Mary F. Balthasar Lake, Esquire

VS# 34899

Gregory N. Britto, Esquire

VS# 23476

Randa Azzam, Esquire

VS# 31539

LOGS LEGAL GROUP LLP  
10021 Balls Ford Road, Suite 200  
Manassas, VA 20109  
(703) 449-5800

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of February, 2022 the following person(s) were served a copy of the foregoing in the manner described below:

Via CM/ECF Electronic Notice:

James E. Kane, Kane & Papa, PC  
1313 East Cary Street  
P.O. Box 508  
Richmond, VA 23218-0508

Debtor's Attorney

Suzanne E. Wade  
7202 Glen Forest Drive  
Suite 202  
Richmond, VA 23226

Chapter 13 Trustee

Via First Class Mail, Postage Prepaid:

Charles Anthony Barbettini, Jr a/k/a CHARLES BARBETTINI JR  
a/k/a Charles Barbettini  
7812 Little Ridge Ct.  
Chesterfield, VA 23832

Debtor(s)

Tonia Danita Barbettini  
7812 Little Ridge Ct.  
Chesterfield, VA 23832

/s/ Mary F. Balthasar Lake

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Malcolm B. Savage, III, Esquire  
VSB #91050

William M. Savage, Esquire  
VSB #26155

Mary F. Balthasar Lake, Esquire  
VSB #34899

Gregory N. Britto, Esquire  
VSB #23476

Randa Azzam, Esquire  
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United States Bankruptcy Court  
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In RE:  
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Chapter: 13

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U.S. Bank National Association, as trustee,  
on behalf of the holders of the Credit Suisse  
First Boston Mortgage Securities Corp.  
CSMC Trust 2006-CF3, CS Mortgage Pass-  
Through Certificates, Series 2006-CF3  
or present noteholder,

Movant/Secured Creditor,

v.  
Charles Anthony Barbettini, Jr, a/k/a  
CHARLES BARBETTINI JR a/k/a Charles  
Barbettini and Tonia Danita Barbettini  
Debtors

OBJECTION OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF  
THE HOLDERS OF THE CREDIT SUISSE FIRST BOSTON MORTGAGE SECURITIES  
CORP. CSMC TRUST 2006-CF3, CS MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-CF3  
TO PROPOSED CHAPTER 13 PLAN AND  
CONFIRMATION THEREOF

U.S. Bank National Association, as trustee, on behalf of the holders of the Credit Suisse First Boston Mortgage Securities Corp. CSMC Trust 2006-CF3, CS Mortgage Pass-Through Certificates, Series 2006-CF3, and its assignees and/or successors in interest, a secured creditor in the above-entitled Bankruptcy proceeding, hereby submits the following objections to the confirmation of the Chapter 13 Plan proposed by Debtor:

1. This objecting secured creditor is the beneficiary of a trust deed on property commonly known as 7812 Little Ridge Court, Chesterfield, VA 23832; the promissory note and deed of trust will be attached to the proof of claim filed by the secured creditor.

2. The debtor is due for estimated pre-petition arrears in the amount of \$183,976.63.

3. The proposed Plan does not set forth a reasonable schedule and time period for the payment of arrearages on the deed of trust.

4. The proposed Chapter 13 plan does not provide this objecting secured creditor with adequate protection or adequate security, according to Sections 362 and 1325(a) of the Code.

5. As indicated by the debtor's payment history and schedules, the Plan is not feasible.

6. The Plan does not propose to pay the secured creditor's entire claim, with estimated arrears of \$183,976.63, and plan funding is insufficient to pay the claim. The debtor does not have enough income to make the proposed Chapter 13 payments.

Gregory N. Britto, Esquire  
Malcolm B. Savage, III, Esquire  
William M. Savage, Esquire  
Mary F. Balthasar Lake, Esquire  
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## CONCLUSION

Any Chapter 13 Plan proposed by Debtors must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this objecting secured creditor. It is respectfully requested that confirmation of the Chapter 13 Plan as proposed by Debtor be denied.

WHEREFORE, secured creditor prays as follows:

1. That confirmation of the proposed Chapter 13 Plan be denied.
2. For attorney's fees and costs incurred herein.
3. That a hearing be held March 9, 2022 at 11:10 AM, Judge Huennekens' Courtroom, 701 E. Broad St., Rm. 5000, Richmond, Virginia, on this objection; however, the hearing shall be conducted pursuant to Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information which is available on the court's website.
4. For such other relief as this Court deems proper.

Dated: 2/24/2022

Respectfully submitted  
U.S. Bank National Association, as trustee, on behalf of the  
holders of the Credit Suisse First Boston Mortgage  
Securities Corp. CSMC Trust 2006-CF3, CS Mortgage  
Pass-Through Certificates, Series 2006-CF3  
By Counsel:

/s/ Mary F. Balthasar Lake

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Gregory N. Britto, Esquire  
Malcolm B. Savage, III, Esquire  
William M. Savage, Esquire  
Mary F. Balthasar Lake, Esquire  
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Via CM/ECF Electronic Notice:

James E. Kane, Kane & Papa, PC  
1313 East Cary Street  
P.O. Box 508  
Richmond, VA 23218-0508

Debtor's Attorney

Suzanne E. Wade  
7202 Glen Forest Drive  
Suite 202  
Richmond, VA 23226

Chapter 13 Trustee

Via First Class Mail, Postage Prepaid:

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